

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-11 are now pending in this application. In the outstanding Office Action, claims 1-11 were rejected under 35 U.S.C. § 103(a) as being obvious over JP- 2001-072764 (hereinafter "JP-'764") in view of JP-2001-354542 (hereinafter "JP-'542"). Applicant respectfully traverses this rejection as the Office has failed to state a prima facie case of obviousness.

Claim 1 is an independent claim from which claims 2-5 depend. Claim 1 is directed to a cosmetic material comprising a crosslinked product of poly- γ -glutamic acid and/or a crosslinked product of a poly- γ -glutamic acid salt. The crosslinked product has a particle size of 0.1 to 100 μm and an average particle size of 1 to 50 μm .

The JP-'764 reference discloses a crosslinked polyamino acid used in cosmetics. The JP-'764 reference discloses the preferred use of polyaspartic acid as the backbone of the polyamino acid, but lists polyglutamic acid and polylysine as alternatives. As noted in its Amendment filed November 16, 2006, the JP-'764 reference does not, in fact, teach or enable the crosslinked product of poly- γ -glutamic acid or a crosslinked product of a poly- γ -glutamic acid salt, and thus can't render the present invention obvious.

The JP-'542 reference discloses a moisturizer that comprises poly- γ -glutamic acid bridges formed by irradiation. However, the JP-'542 reference does not teach or suggest the particle size of the present invention. Lacking such teaching or suggestion, the JP-'542 reference cannot render obvious the present invention. Further, there is no articulated reason for combining the crosslinked polyamino acid of the JP-'764 reference with the moisturizer that comprises poly- γ -glutamic acid bridges formed by irradiation of the JP-'542 reference.

Lacking such a reason, claim 1 cannot be rendered obvious by the combination of the cited references.

Further, claims 3-5 claim the cosmetic material of claim 1 in which the crosslinking of the poly- γ -glutamic acid is accomplished via irradiation. As evidenced by the Declaration of Hajime Ito submitted in the Amendment filed November 16, 2006, this results in superior oil dispersing ability. This is a result that would not be expected by one skilled in the art. While the JP-'542 reference discloses a moisturizer that comprises poly- γ -glutamic acid bridges formed by irradiation, the reference does not teach or suggest anything about the oil dispersing ability of the product.

Because no reason is articulated for the combination of the teaching of the JP-'764 and the JP-'542 references, there is no disclosure of the claimed particle sizes, and the claimed cosmetic exhibits surprisingly good oil dispersibility not taught or suggested by the references, claim 1 and claims 2-5 depending therefrom cannot be rendered obvious by the cited references. Accordingly, Applicant respectfully requests the allowance of claims 1-5.

Claim 6 is an independent claim from which claims 7-11 depend (directly or indirectly). Claim 6 is directed to a cosmetic material comprising an oiliness agent and a crosslinked product of poly- γ -glutamic acid and/or a crosslinked product of a poly- γ -glutamic acid salt as an oil dispersion modifier. The oiliness agent is selected from the group consisting of vegetable oils, higher alcohols or esters thereof, higher fatty esters and liquid paraffins. As noted above, the JP-'764 reference does not teach or enable the crosslinked product of poly- γ -glutamic acid or a crosslinked product of a poly- γ -glutamic acid salt, and thus can't render the present invention obvious. Further, the JP-'542 reference discloses a moisturizer that comprises poly- γ -glutamic acid bridges formed by irradiation, but does not teach or suggest a cosmetic material comprising an oiliness agent with the crosslinked product of poly- γ -glutamic acid or a crosslinked product of a poly- γ -glutamic acid salts

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provided as an oil dispersion modifier. Indeed, the JP-'542 reference makes no reference to the oil dispersibility characteristics of the present invention. Further, there is no articulated reason for combining the crosslinked polyamino acid of the JP-'764 reference with the moisturizer that comprises poly- γ -glutamic acid bridges formed by irradiation of the JP-'542 reference. Lacking such a reason, claim 6 cannot be rendered obvious by the combination of the cited references. Claims 7-11, which depend from claim 6, are likewise not rendered obvious by the cited references. Accordingly, Applicant respectfully requests the allowance of claims 6-11.

In light of the above discussion, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

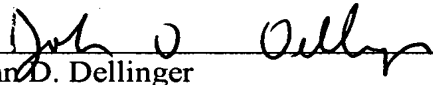
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